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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

VICTORIA MESSINA, an individual,

Plaintiff,

vs.

ALBERTSONS LLC., DOES I through V
and ROE BUSINESS ENTITIES I through
V, inclusive,

Defendants.

CASE NO.: 2:17-cv-00274-KJD-CWH

STIPULATION AND (PROPOSED)
ORDER TO EXTEND DISCOVERY
DEADLINES

(THIRD REQUEST)

Pursuant to LR IA 6-1 and LR 26-4, the parties, by and through their respective counsel, hereby stipulate and request that this Court extend the deadline for discovery in the above-captioned matter for sixty (60) days, or up to and including March 19, 2018.

DISCOVERY COMPLETED:

- 26(a)(1) disclosures and supplements thereto were made by Plaintiff.
- 26(a)(1) disclosures and supplements thereto were made by Defendant.
- Written discovery was propounded upon Plaintiff and answered by Plaintiff.
- Written discovery was propounded upon Defendant and answered by Defendant.
- The deposition of Plaintiff was taken.
- Initial and rebuttal expert disclosures were made by Plaintiff.
- Initial expert disclosures were made by Defendant.

1 **REMAINING DISCOVERY TO BE COMPLETED:**

- 2 • Deposition of Dr. William Muir (current set for January 4, 2018);
- 3 • Deposition of Randy DiCarlo (currently set for January 9, 2018);
- 4 • Deposition of Dr. Suresh Prabhu (currently set for January 9, 2018);
- 5 • Deposition of Dr. Hans-Jorg Rosler (currently set for January 9, 2018);
- 6 • Deposition of Jerry Birnbach (currently set for January 15, 2018 – needs to be
- 7 rescheduled in February);
- 8 • Deposition of Dr. Thomas Carroll;
- 9 • Deposition of Dr. Stephen Rothman;
- 10 • Deposition of Daniel Grant; and
- 11 • Deposition of Dr. Anthony Serfustini.

12 **REASONS WHY EXTENSION REQUESTED:**

13 Despite the good faith efforts of the parties to comply with the Court's discovery

14 deadlines, both parties have been unable to complete necessary depositions prior to the current

15 discovery deadline based on scheduling conflicts with counsel and the various witnesses. The

16 parties had difficulty scheduling depositions during the holiday season — initial experts were

17 disclosed during Thanksgiving week and rebuttal experts were disclosed the week before

18 Christmas. Further, Plaintiff's liability expert, Jerry Birnbach, is out of the country from

19 January 3 -22, 2018.

20 Based on foregoing, good cause exists to extend the discovery deadline to allow the

21 parties to take these outstanding depositions.

22 **PROPOSED SCHEDULE FOR REMAINING DEADLINES:**

23 The following is a list of the current deadlines and the parties' proposed extended

24 deadlines:

	Current	Proposed
26 Discovery Cut-Off	1/19/2018	3/19/2018
27 Expert Disclosure	11/20/2017	closed
28 Rebuttal Disclosures	12/19/2017	closed



Interim Status Report	11/20/17	closed
Dispositive Motions	2/19/2018	4/19/2018
Pre-Trial Order	3/20/18	5/21/2018

Wherefore, the parties respectfully request that this Court extend the discovery period by sixty (60) days from the current deadline of January 19, 2018, up to and including March 19, 2018, and the other discovery dates as outlined in accordance with the list above.

DATED THIS 27th day of December, 2017.

HICKS & BRASIER, PLLC

/s/ Alison Brasier, Esq.
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DATED THIS 27th day of December, 2017.

BACKUS CARRANZA & BURDEN

/s/ Jack Burden, Esq.
Jack Burden, Esq.
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ORDER

IT IS SO ORDERED.

DATED December 29, 2017


UNITED STATES MAGISTRATE JUDGE